

**§ 90.138 Applications for itinerant frequencies.**

An application for authority to conduct an itinerant operation in the Industrial/Business Pool must be restricted to use of itinerant frequencies or other frequencies not designated for permanent use and need not be accompanied by evidence of frequency coordination. Users should be aware, however, that no protection is provided from interference from other itinerant operations.

[62 FR 18924, Apr. 17, 1997]

EFFECTIVE DATE NOTE: At 62 FR 18924, Apr. 17, 1997, § 90.138 was revised, effective Oct. 17, 1997.

**§ 90.139 Commission processing of applications.**

(a) Applications received for filing are given a file number. The assignment of a file number to an application is for administrative convenience and does not indicate the acceptance of the application for filing and processing.

(b) Applications which are incomplete with respect to answers, supplementary statements, execution, or other matters of a formal character shall be deemed defective and may be dismissed. In addition, if an applicant is requested to file any additional documents or information not included in the prescribed application form, failure to comply with such request will render the application defective and it may be dismissed. Applications will also be deemed to be defective and be dismissed in the following cases:

(1) Statutory disqualification of applicant;

(2) Proposed use or purpose of station would be unlawful;

(3) Requested frequency is not allocated for assignment for the service proposed.

(c) Applications which are not in accordance with the provisions of this chapter, or other requirements of the Commission, will be considered defective and may be dismissed unless accompanied by a request in accordance with § 90.151 of this part.

[43 FR 54791, Nov. 22, 1978, as amended at 51 FR 14997, Apr. 22, 1986]

**§ 90.141 Resubmitted applications.**

Any application received by the Commission for frequencies below 470 MHz which has been returned by the Commission to the applicant for correction will be processed in its original position in the processing line if it is resubmitted and received by the Commission within 60 days from the date on which it was returned to the applicant. Otherwise it will be treated as a new application for the purpose of processing considerations. An application received by the Commission for frequencies above 470 MHz which has been returned by the Commission to the applicant will be processed in its original position in the processing line if it is resubmitted and received by the Commission within 30 days (45 days outside the continental United States) from the date on which it was returned to the applicant. Otherwise it will be treated as a new application for the purpose of processing considerations.

[51 FR 14997, Apr. 22, 1986]

**§ 90.143 Grants of applications.**

(a) The Commission will grant an application for a station authorization without a hearing if it is in proper form, and conforms with all rule requirements, and would serve the public interest, convenience or necessity.

(b) All applications in pending status will be processed in the order in which the application acceptable for filing was received by the Commission; provided, however, that if there are more applications than can be accommodated on available frequencies, the Commission may grant the applications pursuant to the system of random selection prescribed in § 1.972 of this chapter.

(c) The Commission may grant any application in part, or add privileges, terms or conditions not requested. When such action is taken without a hearing, the applicant may accept the authorization as granted, or may return it to the Commission along with a written request for a hearing. Any such request for hearing must be made within 30 days from the date of the grant, or from its effective date, if a later date is specified. Upon receipt of a request for hearing, the Commission will